



MEMORANDUM  
Harvey Ruvin  
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LUDC  
Agenda Item No. 6(A)

TO: Honorable Chairman Jose "Pepe" Diaz  
and Members, Land Use and Development  
Committee

DATE: August 28, 2013

FROM: Christopher Agrippa, Division Chief  
Clerk of the Board Division

SUBJECT: Approval of Commission  
Committee Minutes

A handwritten signature in black ink, appearing to read "Chris Agrippa", followed by a stylized flourish.

The Clerk of the Board's office is submitting the following Clerk's Summary of Minutes for approval by the Land Use and Development Committee:

July 11, 2013

Attachment  
CA/jm



Stephen P. Clark  
Government Center  
111 N.W. 1st Street  
Miami, FL 33128

## CLERK'S SUMMARY OF

### Meeting Minutes

#### Land Use & Development Committee

Jose "Pepe" Diaz (12) Chair; Xavier L. Suarez (7) Vice Chair; Commissioners Lynda Bell (8), Barbara Jordan (1), and Audrey M. Edmonson (3)

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Thursday, July 11, 2013

9:30 AM

Commission Chambers

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**Members Present:** Lynda Bell, Jose "Pepe" Diaz, Xavier L. Suarez.

**Members Absent:** Audrey M. Edmonson.

**Members Late:** Barbara J. Jordan 10:02:00 AM.

**Members Excused:** None.

**Members Absent County Business:** None.

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#### 1A INVOCATION AS PROVIDED IN RULE 5.05 (G)

**Report:** *The Invocation was presented by Sergeant-of-Arms Michael Roan.*

**1B      ROLL CALL**

**Report:** *The following staff members were present: Deputy Mayor Jack Osterholt; Assistant County Attorneys Dennis Kerbel and Cynthia Johnson-Stacks; and Deputy Clerks Cynthia White and Judy Marsh.*

*Chairman Diaz called the meeting to order at 9:48 a.m. He acknowledged the presence of elected officials in the audience.*

*Assistant County Attorney Dennis Kerbel advised that Agenda Items 1E5, 1E6, 1E7 and 1E8 were deferred; and Agenda Item 2A was withdrawn.*

*It was moved by Commissioner Suarez that the July 11, 2013 Land Use and Development Committee Agenda be approved, with the changes noted in County Commission Chairwoman Sosa's memorandum entitled "Requested Changes to the Land Use and Development Committee Agenda." This motion was seconded by Chairman Diaz, and upon being put to a vote, passed by a vote of 3-0; (Commissioners Edmonson and Jordan were absent).*

*Chairman Diaz noted the items were being deferred because some legal matters needed to be resolved and some pending issues needed to be clarified.*

*Assistant County Attorney Kerbel advised that these items were deferred to no date certain.*

*Chairman Diaz noted he would try to have the Committee consider the deferred items as soon as possible. He also noted he would meet and discuss the items with the city officials in his district and any other city official who wished to meet with the commissioners was welcome to do so. Chairman Diaz asked that all interested parties contact the commissioners' offices.*

**1C      PLEDGE OF ALLEGIANCE****1D      SPECIAL PRESENTATIONS (SCHEDULED TO BEGIN AT 9:00 AM)**

1D1

131355 Service Awards

Rebeca Sosa

PRESENTATION OF SERVICE AWARDS TO THE  
FOLLOWING EMPLOYEE(S):

*Presented*

FRANK L. MCCUNE - RER - 40 YRS

1E

**PUBLIC HEARING**

1E1

## 131235 Ordinance

Barbara J. Jordan

ORDINANCE RELATING TO ZONING; MODIFYING REGULATIONS PERTAINING TO AUTOMOBILE SERVICE STATIONS AND AUTOMOBILE GAS STATIONS/Mini Marts; PROVIDING DEFINITION; PROVIDING FOR THE SALE OF BEER AND WINE FOR OFF-PREMISES CONSUMPTION AT AUTOMOBILE GAS STATIONS/Mini Marts; AMENDING SECTIONS 33-1, 33-124, 33-150 AND 33-247 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

*Forwarded to BCC with a favorable recommendation*

*Mover: Jordan*

*Seconder: Diaz*

*Vote: 4-0*

*Absent: Edmonson*

**Report:** *Assistant County Attorney Dennis Kerbel read the foregoing proposed ordinance into the record.*

*Chairman Diaz opened the public hearing and called for persons wishing to appear before the Committee in connection with this proposed ordinance.*

*Mr. Graham Penn, Bercow Radell & Fernandez, 200 South Biscayne Boulevard, appeared in support of the foregoing proposed ordinance. He noted he had been working with Commissioner Jordan's staff on this ordinance; it did not represent any change in policy and codified the existing policy. Mr. Penn asked that this proposed ordinance be forwarded to the County Commission with a favorable recommendation.*

*Chairman Diaz closed the public hearing after no one else appeared wishing to speak, and the Committee members proceeded to vote on the foregoing proposed ordinance, as presented.*

*Commissioner Jordan noted it was her understanding that this item could not be waived to the July 16, 2013 County Commission meeting due to notification requirements.*

*Assistant County Attorney Kerbel said he believed that this proposed ordinance could not be waived to the July 16th Commission meeting as it required one week notification; however, he would confirm this information.*

*Commissioner Jordan requested that this ordinance be waived to the July 16, 2013 County Commission meeting if the one week notification was not required.*

1E2

## 130801 Ordinance

Dennis C. Moss

ORDINANCE CREATING AND ESTABLISHING THE SOUTH MUNICIPAL ADVISORY COMMITTEE - A; DIRECTING SUCH COMMITTEE TO STUDY THE POSSIBLE CREATION OF A NEW MUNICIPALITY IN AREAS DESCRIBED HEREIN; WAIVING PORTIONS OF SECTIONS 2-11.38 AND 20-29(A) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR SUNSET OF SUCH COMMITTEE; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

*Forwarded to BCC with a favorable recommendation*

*Mover: Bell*

*Seconder: Suarez*

*Vote: 3-0*

*Absent: Jordan, Edmonson*

**Report:** *Assistant County Attorney Dennis Kerbel read the foregoing proposed ordinance into the record.*

*Chairman Diaz opened the public hearing and called for persons wishing to appear before the Committee in connection with this proposed ordinance.*

*Mr. J. L. Demps, Jr., 11025 SW 223 Street, Goulds, FL, appeared in support of the foregoing proposed ordinance. He commented on the possible creation of an enclave resulting from this item and Agenda Item 1E3, noting he was hopeful that the commissioners of the affected districts could work together to address that issue.*

*Chairman Diaz closed the public hearing after no one else appeared wishing to speak, and the Committee members proceeded to vote on the foregoing proposed ordinance, as presented.*

1E3

## 130806 Ordinance

Dennis C. Moss

ORDINANCE CREATING AND ESTABLISHING THE SOUTH MUNICIPAL ADVISORY COMMITTEE - B; DIRECTING SUCH COMMITTEE TO STUDY THE POSSIBLE CREATION OF A NEW MUNICIPALITY IN AREAS DESCRIBED HEREIN; WAIVING PORTIONS OF SECTIONS 2-11.38 AND 20-29(A) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR SUNSET OF SUCH COMMITTEE; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

*Forwarded to BCC with a favorable recommendation*

*Mover: Bell*

*Seconder: Suarez*

*Vote: 3-0*

*Absent: Jordan, Edmonson*

**Report:** *Assistant County Attorney Dennis Kerbel read the foregoing proposed ordinance into the record.*

*Chairman Diaz opened the public hearing and called for persons wishing to appear before the Committee in connection with this proposed ordinance.*

*Mr. J. L. Demps, Jr., 11025 SW 223 Street, Goulds, FL, appeared in support of the foregoing proposed ordinance; however, he asked that the southern boundary include the Goulds area south of SW 224 Street. Mr. Demps referred to the 2004 agreement that created the Goulds/Cutler Ridge Community Redevelopment Area (CRA) and set aside specific study areas, including the area south of SW 224 Street. He asked the Committee to honor the 2004 agreement.*

*Chairman Diaz noted Commissioner Moss, sponsor, should be aware of any document or resolution regarding the Goulds/Cutler Ridge CRA and asked Mr. Demps to submit a copy of the document for the record.*

*Commissioner Bell said that she respected and supported Commissioner Moss' decision to create a Municipal Advisory Committee (MAC) for District 9. She noted District 8 was not included because Commissioner Moss was waiving the signature requirements pertaining to community input and she would not waive those requirements for any areas to be annexed in District 8. Commissioner Bell said she believed that people who wanted their areas annexed or incorporated should be required to adhere to the 20 percent signature requirement.*

*Mr. Demps expressed concern that the Goulds area would be torn apart as a result of cherry*

*picking in the newly-developed area south of SW 224 Street.*

*Chairman Diaz noted the Committee members would discuss this issue with Commissioner Moss, and suggested Mr. Demps also discuss this issue with the commissioners involved.*

*Chairman Diaz closed the public hearing after no one else appeared wishing to speak, and the Committee members proceeded to vote on the foregoing proposed ordinance, as presented.*

*Commissioner Suarez asked whether forwarding this proposed ordinance to the County Commission would preclude the proposed MAC area from being modified.*

*Assistant County Attorney Cynthia Johnson-Stacks advised that the study area could be expanded, unless the expansion would extend to another commission district; at that point, the district commissioner's consent would be required.*

*Chairman Diaz noted a MAC study was an advisory process that followed a specific path, which eventually led to the County Commission.*

1E4

**131177 Ordinance**

**Rebeca Sosa**

ORDINANCE RELATING TO ZONING; PERTAINING TO PORTABLE-MINI STORAGE UNITS; AMENDING SECTION 33-20 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

*Forwarded to BCC with a favorable recommendation*

*Mover: Bell*

*Seconder: Diaz*

*Vote: 3-0*

*Absent: Jordan, Edmonson*

**Report:** *Assistant County Attorney Dennis Kerbel read the foregoing proposed ordinance into the record.*

*Chairman Diaz opened the public hearing and called for persons wishing to appear before the Committee in connection with this proposed ordinance.*

*Chairman Diaz closed the public hearing after no one appeared wishing to speak, and the Committee members proceeded to vote on the foregoing proposed ordinance, as presented.*



1E5

**131302 Resolution Land Use & Development Committee**

RESOLUTION RELATING TO ANNEXATION REQUEST OF THE CITY OF DORAL; PROVIDING THAT ACTION BE TAKEN PURSUANT TO SECTION 20-7(B) OF THE CODE OF MIAMI-DADE COUNTY TO EITHER DIRECT THE COUNTY ATTORNEY TO PREPARE THE APPROPRIATE ORDINANCE AND INTERLOCAL AGREEMENT TO EFFECTUATE THE ANNEXATION REQUEST, DENY THE ANNEXATION REQUEST OR TO DEFER THE ANNEXATION REQUEST (Office of Management and Budget)

*Deferred to no date certain**Mover: Suarez**Seconder: Diaz**Vote: 3-0**Absent: Jordan, Edmonson*

**Report:** *The foregoing proposed resolution was deferred during consideration of changes to today's (7/11) Committee meeting.*

1E6

**131303 Resolution Land Use & Development Committee**

RESOLUTION RELATING TO ANNEXATION REQUEST OF THE CITY OF MIAMI SPRINGS; PROVIDING THAT ACTION BE TAKEN PURSUANT TO SECTION 20-7(B) OF THE CODE OF MIAMI-DADE COUNTY TO EITHER DIRECT THE COUNTY ATTORNEY TO PREPARE THE APPROPRIATE ORDINANCE AND INTERLOCAL AGREEMENT TO EFFECTUATE THE ANNEXATION REQUEST, DENY THE ANNEXATION REQUEST OR TO DEFER THE ANNEXATION REQUEST (Office of Management and Budget)

*Deferred to no date certain**Mover: Suarez**Seconder: Diaz**Vote: 3-0**Absent: Jordan, Edmonson*

**Report:** *The foregoing proposed resolution was deferred during consideration of changes to today's (7/11) Committee meeting.*

1E7

**131305 Resolution Land Use & Development Committee**

RESOLUTION RELATING TO ANNEXATION REQUEST OF THE VILLAGE OF VIRGINIA GARDENS; PROVIDING THAT ACTION BE TAKEN PURSUANT TO SECTION 20-7(B) OF THE CODE OF MIAMI-DADE COUNTY TO EITHER DIRECT THE COUNTY ATTORNEY TO PREPARE THE APPROPRIATE ORDINANCE TO EFFECTUATE THE ANNEXATION REQUEST, DENY THE ANNEXATION REQUEST OR TO DEFER THE ANNEXATION REQUEST (Office of Management and Budget)

*Deferred to no date certain**Mover: Suarez**Seconder: Diaz**Vote: 3-0**Absent: Edmonson, Jordan*

**Report:** *The foregoing proposed resolution was deferred during consideration of changes to today's (7/11) Committee meeting.*

1E8

**131306 Resolution Land Use & Development Committee**

RESOLUTION RELATING TO ANNEXATION REQUEST OF THE TOWN OF MEDLEY; PROVIDING THAT ACTION BE TAKEN PURSUANT TO SECTION 20-7(B) OF THE CODE OF MIAMI-DADE COUNTY TO EITHER DIRECT THE COUNTY ATTORNEY TO PREPARE THE APPROPRIATE ORDINANCE TO EFFECTUATE THE ANNEXATION REQUEST, DENY THE ANNEXATION REQUEST OR TO DEFER THE ANNEXATION REQUEST (Office of Management and Budget)

*Deferred to no date certain**Mover: Suarez**Second: Diaz**Vote: 3-0**Absent: Jordan, Edmonson*

**Report:** *The foregoing proposed resolution was deferred during consideration of changes to today's (7/11) Committee meeting.*

**2 COUNTY COMMISSION**

2A

**130716 Resolution Barbara J. Jordan**

RESOLUTION DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO NOTIFY THE MIAMI-DADE COUNTY HEALTH DEPARTMENT OF ZONING APPLICATIONS WHICH INVOLVE INDUSTRIAL USES IN CLOSE PROXIMITY TO RESIDENTIAL USES AND INCLUDE COMMENTS RECEIVED FROM THE MIAMI-DADE COUNTY HEALTH DEPARTMENT INTO THE COUNTY STAFF'S ZONING RECOMMENDATION

*Withdrawn**Mover: Suarez**Second: Diaz**Vote: 3-0**Absent: Jordan, Edmonson*

**Report:** *The foregoing proposed resolution was withdrawn during consideration of changes to today's (7/11) Committee meeting.*

2B

**131337 Resolution****Rebeca Sosa**

RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO PREPARE A REPORT WITHIN NINETY (90) DAYS OUTLINING THE BEST METHODOLOGY AND IMPLEMENTATION SCHEDULE TO STREAMLINE AND ENHANCE THE EFFICIENCY, CUSTOMER SERVICE, AND ACCOUNTABILITY OF THE MIAMI-DADE COUNTY PERMITTING AND INSPECTION PROCESSES

*Forwarded to BCC with a favorable recommendation*

*Mover: Suarez*

*Seconder: Bell*

*Vote: 3-0*

*Absent: Jordan, Edmonson*

**Report:** *Assistant County Attorney Dennis Kerbel read the foregoing proposed resolution into the record.*

*Hearing no comments or questions, the Committee members proceeded to vote on the foregoing proposed resolution, as presented.*

**3 DEPARTMENT**

3A

**131278 Resolution****Jose "Pepe" Diaz**

RESOLUTION AUTHORIZING THE RELEASE OF UNNEEDED CANAL RESERVATION LYING WITHIN THE SOUTH ½ OF SECTION 8, TOWNSHIP 53 SOUTH AND RANGE 40 EAST IN MIAMI-DADE COUNTY (Regulatory and Economic Resources)

*Forwarded to BCC with a favorable recommendation*

*Mover: Diaz*

*Seconder: Suarez*

*Vote: 3-0*

*Absent: Jordan, Edmonson*

**Report:** *Assistant County Attorney Dennis Kerbel read the foregoing proposed resolution into the record.*

*Commissioner Bell assumed the chair.*

*Hearing no comments or questions, the Committee members proceeded to vote on the foregoing proposed resolution, as presented.*

3B

**131334 Resolution**

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH FAIRCHILD TROPICAL BOTANIC GARDEN, INC. FOR A BIOLOGICAL MONITORING PROGRAM FOR MIAMI-DADE COUNTY NATURAL AREA PRESERVES IN AN AMOUNT NOT TO EXCEED \$120,000.00; AND FURTHER AUTHORIZING THE EXECUTION OF ANY AMENDMENTS AND EXTENSIONS AND TO EXERCISE THE CANCELLATION PROVISIONS CONTAINED THEREIN (Parks, Recreation and Open Spaces)

*Forwarded to BCC with a favorable recommendation*

*Mover: Suarez*

*Seconder: Diaz*

*Vote: 3-0*

*Absent: Jordan, Edmonson*

**Report:** *Assistant County Attorney Dennis Kerbel read the foregoing proposed resolution into the record.*

*Chairman Diaz resumed the chair.*

*Hearing no comments or questions, the Committee members proceeded to vote on the foregoing proposed resolution, as presented.*

3C

**131395 Resolution****Esteban L. Bovo, Jr.**

RESOLUTION AUTHORIZING THE RELEASE OF UNNEEDED PORTION OF A CANAL MAINTENANCE EASEMENT, IN SECTION 16, TOWNSHIP 52 SOUTH AND RANGE 40 EAST IN MIAMI-DADE COUNTY (Regulatory and Economic Resources)

*Forwarded to BCC with a favorable recommendation*

*Mover: Suarez*

*Seconder: Bell*

*Vote: 3-0*

*Absent: Jordan, Edmonson*

**Report:** *Assistant County Attorney Dennis Kerbel read the foregoing proposed resolution into the record.*

*Hearing no comments or questions, the Committee members proceeded to vote on the foregoing proposed resolution, as presented.*

**4 COUNTY MAYOR****5 COUNTY ATTORNEY****6 CLERK OF THE BOARD**

6A

**131375 Report**

CLERK'S SUMMARY OF MEETING MINUTES FOR THE  
JUNE 13, 2013 LAND USE AND DEVELOPMENT  
COMMITTEE MEETING (Clerk of the Board)

*Approved*

*Mover: Suarez*

*Seconder: Jordan*

*Vote: 4-0*

*Absent: Edmonson*

**Report:** *Assistant County Attorney Dennis Kerbel read the  
foregoing report into the record.*

*Hearing no comments or questions, the Committee  
members proceeded to vote on the foregoing  
report, as presented.*

**7 REPORTS**

**8 ADJOURNMENT**

**Report:** *There being no further business, the Land Use  
and Development Committee meeting was  
adjourned at 10:05 a.m.*